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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,703	01/26/2000	Alex Dai-Shun Poon	2043.007US1	8953

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SCHWEGMAN, LUNDBERG & WOESSNER/EBAY  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER
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BADII, BEHRANG

ART UNIT	PAPER NUMBER
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3667

NOTIFICATION DATE	DELIVERY MODE
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01/04/2012

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/491,703	<b>Applicant(s)</b> POON, ALEX DAI-SHUN	
	<b>Examiner</b> BEHRANG BADII	<b>Art Unit</b> 3667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 9, 11-16, 25, 27-32, 41, 43-48, 58, 59, 62, 63, 66, 67, 71, 73 and 75 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 9, 11-16, 25, 27-32, 41, 43-48, 58, 59, 62, 63, 66, 67, 71, 73 and 75 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/28/11</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

### DETAILED ACTION

Claims 9, 11-16, 25, 27-32, 41, 43-48, 58-59, 62-63, 66-67, 71, 73, and 75 have been examined.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 11-15, 25, 27-31, 41 and 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,397,221) Greef et al, hereafter Greef.

Claims 9, 25, and 41. Greef discloses, Providing a plurality of category entries to be displayed for said user in a category field within a display window, said plurality of category entries being used to categorize an item in said computerized transaction (col.7, line 35) **(Greef discloses "As also noted, Web site sales facilities (e-commerce) are commonly built upon computer-based catalogs, which are themselves built upon product databases containing records concerning the items being offered, the term "product" embracing goods and or services. Accordingly, before any transaction of commercial interest can occur, Web shoppers must first search through such product databases in the hope of finding something of interest. Regrettably, however, at many Web sites, shoppers have to plow through stacks of menus and product information listings**

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**to find, if at all, things they might be looking for.” (col.7, 31-37). (col. 15, lines 34-52); detecting selection by said user of a category entry of said plurality of category entries (col. 15, lines 53-65); responding to said detection of said selection of said category entry, providing a plurality of subcategory entries being hierarchically related to said selected category entry within a category hierarchy data structure, to be displayed for said user in at least one subcategory entry field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said transaction (Greef discloses “As an alternative to relational databases, however, it has been found that even shoppers having different product familiarity and backgrounds are commonly able to easily and quickly extract desired product information from database that are hierarchically arranged and presented. As an illustration, where a shopper is looking for specialty apples; for example, from a gourmet site, he can more readily make progress with his selection if he looks first at foods, then fruits, and then apples as he progress to his selection. At the least, the approach of moving from generally understood category to subcategory and sub-subcategory avoids the risk of causing the uninitiated shopper to mistakenly compare apples and oranges when trying to make his purchase selection. (Greef: col.2, 61-67 and col.3, 1-6)). Here, there is "responding to said detection of said selection of said category" by having the selected product extracted from the selectable list of products. Furthermore, there clearly is "at least one subcategory field within said display window" and "plurality of subcategory entries being used to categorize**

**said item in said transaction”) Greef (col.2, 61-67 and col.3, 1-6)** (col. 7, lines 31-44, col. 29, line 40-col. 30, line 60 and col. 31, lines 18-59);

Detecting a selection by said user of a subcategory entry of said plurality of subcategory entries (col.29, 8-24; col.30, 26-41; col.31, 17-50; fig's 8-14)

providing a category number (model number) associated with said selected category entry and said selected subcategory entry to be displayed for said user in said display window (presentation format). **(Greef clearly discloses category number (model number) to be displayed for user in display window (presentation formats). Greef discloses “In preferred form, the record identifier could be selected to be, for example, the tabular attribute model number, the model number for the product being an identifier likely to receive recognition across presentation formats.” (col.18, lines 42-46)),** (col.27, 44-59, col.2, 61-67, col.3, 1-6), (col.29, 50-67; col.30, 1-14 and 25-42; col.31, 18-50).

receiving said category number from said user: and based on said receiving of said category number from said user, providing category information corresponding to said category number, said category information enabling said selection of said category entry of said category field and said selection of said subcategory entry of said subcategory field to be displayed without requiring another selection by said user of said category entry of said category field and another selection by said user of said subcategory entry of said at least one subcategory field (col.29, 8-24; col.30, 26-41; col.31, 17-50; fig's 8-14; col.11, 47-57; col.5, 16-32). However, Greef might not expressly disclose a transaction, since this is an e-commerce shopping system and

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method, a transaction is obviously present. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a transaction take place in view of Greef's teachings of an e-commerce shopping method and system and to modify in Greef because such a modification would allow Greef to have items to select from, prior to making a transaction.

Claims 11, 27, and 43, Greef failed to disclose, wherein said category field comprises twelve category entries in alphabetical order. However, this claim limitation is considered non-functional descriptive claim language. The selection for a number for the category field would have been performed in the same manner regardless of whether the entries were twelve or some other number and arranged in alphabetical order. The fact there are twelve entries in alphabetical order is a design choice and has no bearing on the function and outcome of claims 9.

Claims 12, 28, and 44. Greef discloses, further comprising subsequently detecting input of said category number from said user and, responsive to said detection of said input, providing said associated category entry to be displayed for said user in said category field (col. 28, line 54-co1.29, line 23).

Claims 13, 29, and 45. Greef discloses, wherein said at least one subcategory field further comprises a first subcategory field containing a plurality of first subcategory entries being hierarchically related to said category entry of said plurality of category entries selected by said user; a second subcategory field containing a plurality of second subcategory entries being hierarchically related to a selected first subcategory

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entry of said plurality of first subcategory entries; and a third subcategory field containing a plurality of third subcategory entries being hierarchically related to a selected second subcategory entry of said plurality of second subcategory entries (col. 14, line 50-col. 15, line 2).

Claims 14, 30, and 46. Greef discloses, wherein said category field and said at least one subcategory field are contained in graphically distinct areas within said display window (col. 10, line 31-col. 11, line 46).

Claims 15, 31, and 47. Greef discloses, wherein said at least one subcategory field is substantially adjacent to said category field (Figure 5).

Claims 16, 32, 48, 58, 59, 62, 63, 66, 67, 71, 73, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,397,221) Greef et al, hereafter Greef in view of Linden et al (US 2005/0071251A1).

Claims 16, 32, and 48. Greef failed to disclose wherein said category field and said at least one subcategory field are page mark-up language documents. HTML is old and well known in the art of the internet and reference can be had to page 3, col. 1[0035] to Linden et al (US 2005/0071251A1).

Claims 58, 62, and 66, Greef discloses, further comprising: detecting selection by said user of at least one subcategory entry of said plurality of subcategory entries (col. 15, line 34-col. 16, line 9).

Claims 59, 63 and 67, Greef discloses, further comprising: responsive to said detection of said selection of said at least one subcategory entry, providing a category number associated with said selected category entry and said at least one selected subcategory entry to be displayed for said user in said display window (col. 17, lines 8-65, col. 27, line 44-co1.28, line 19). Attribute value is considered a number and child is considered a subcategory of the parent as a category.

Claims 71, 73, and 75. Greef discloses, wherein said plurality of category entries are maintained in said category field within said display window and said plurality of subcategory entries are displayed in said at least one subcategory field within said display window, concurrently with said plurality of category entries (col. 8, lines 26-53 and col. 29, line 39-col. 30, line 59).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(571) 272-3600**.

/Behrang Badii/  
Primary Examiner  
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